



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

July 2, 2019

Via Email at Chancellor@uncw.edu

Dr. Jose V. Sartarelli
Chancellor
University of North Carolina Wilmington
601 South College Road
Wilmington, NC 28403-5931

Re: OCR Complaint No. 11-19-2160
Notification/Data Request Letter

Dear Dr. Sartarelli:

The Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received a complaint on April 2, 2019, against University of North Carolina Wilmington (the University). The complaint alleges that the University discriminated against the Complainant on the basis of sex when the University failed to promptly and equitably respond to a complaint he filed regarding a campus debate on February 21, 2019, for which the University refused to compensate male presenters.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Also, in accordance with the *Case Processing Manual*, OCR will provide a copy of the complaint to the University under separate cover. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Information on OCR's

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complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>. In particular, please note the section on Facilitated Resolution Between the Parties (FRBP). Under this voluntary, informal approach, similar to mediation, OCR helps facilitate settlement discussions between the Complainant and the University. If you believe FRBP can be useful in this case, please contact the OCR staff person identified below as soon as possible.

Please also note the section on resolution agreements reached during an investigation. If the University expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the University pursuant to Section 302 of the *Case Processing Manual*.

Attached is a request for data necessary to investigate this complaint. OCR requests that the University submit this information within 15 calendar days of the date of this letter (i.e., by July 17, 2019). We prefer that you submit information electronically, if feasible.¹ If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us as provided below prior to the expiration of the 15-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact Katie (Teigen) Dullum, the OCR attorney assigned to this complaint, at 202-453-5564 or Katie.Teigen@ed.gov.

Sincerely,



Kristi R. Harris
Team Leader, Team IV
District of Columbia Office
Office for Civil Rights

¹ If your submission cannot be sent via email, OCR can set up a secure site for you to upload your submission. You may contact us for more information about this option.

**University of North Carolina Wilmington
OCR Complaint No. 11-19-2160**

**Data Request
Complainant: Mr. Mike Adams**

Please provide the following data by July 17, 2019. The Department's regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(c), which is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71, gives OCR the authority to request this information.² OCR hereby notifies the University that OCR will consider the University's response to this data request to be its full and complete response pursuant to OCR's right of access to information under the regulations cited above, unless the University notifies OCR otherwise. If the University obtains any additional information or documents responsive to this data request or otherwise relevant to the allegation in this case, the University must promptly inform OCR of its existence and supplement the data response within 15 days of its discovery. OCR reminds the University that a failure to provide requested information may be considered a denial of access in violation of the regulations cited above.

1. The name and contact information of the individual who will serve as OCR's contact person during the investigation of this complaint.
2. The name and contact information of the University's Title IX Coordinator.
3. The University's narrative response to the allegations and all documents or records referenced in the narrative response.
4. The University's policies and procedures pertaining to the University's response to complaints of sex discrimination under Title IX.
5. All correspondence between the Complainant and University staff, and all internal correspondence among University staff, pertinent to the allegation in this complaint. "Correspondence" includes letters, memoranda, emails, text messages, records/notes of telephone conversations, and records/notes of in-person meetings.
6. All formal or informal complaints or reports of discrimination made by the Complainant and all records pertaining to the University's investigation into the complaints or reports, including but not limited to:
 - a. the name(s) and title(s) of the individuals who conducted the investigation;
 - b. a description and supporting documentation of all interim measures put in place during the investigation;
 - c. interview notes;

² Please note that OCR has the right of access to records that are necessary for OCR's investigation, even if those records contain names or other personally identifiable information. See 20 U.S.C. §§ 1232g(b)(1) and 1232g(b)(3) regarding the applicable provisions of the Family Educational Rights and Privacy Act; see also 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii). However, please remove any social security numbers from responsive records due to the sensitive nature of this information.

- d. witness statements;
 - e. documentary evidence;
 - f. correspondence between the Complainant and University staff;
 - g. internal correspondence between University staff;
 - h. investigation reports;
 - i. notices regarding the outcome of the investigation;
 - j. a description and supporting documentation of all corrective actions taken by the University; and
 - k. all appeal(s) submitted by the Complainant, and the University's response to such appeal(s).
7. Any additional information that the University believes may be helpful in resolving this complaint.